



**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

*Promoting the wise use of land  
Helping build great communities*

**Board of Supervisors**

<b>MEETING DATE</b> August 25, 2015	<b>CONTACT/PHONE</b> Terry Wahler, 781-5621	<b>APPLICANT</b> Garcia Trust	<b>FILE NO.</b> AGP2014-00009						
<b>SUBJECT</b> Proposal by the Garcia Trust to amend the boundaries of an Agricultural Preserve, rescind an existing Land Conservation Contract and enter into a new Land Conservation Contract to reflect revised property boundaries from a lot line adjustment. The property consists of approximately 320 acres located within the Agriculture land use category, at 1749 Toro Creek Road, approximately 2.5 miles northeast of the City of Morro Bay. The site is in the Adelaida Sub-area of the North County planning area.									
<b>RECOMMENDED ACTION</b> The Agricultural Preserve Review Committee and Planning Commission recommend approval of this request to amend an agricultural preserve to the Board of Supervisors as follows:  <table> <tr> <td><b>Preserve Designation:</b></td> <td><b>Cayucos Agricultural Preserve No. 22, Amendment No. 1</b></td> </tr> <tr> <td><b>Minimum Parcel Size:</b></td> <td><b>320 Acres</b></td> </tr> <tr> <td><b>Minimum Term of Contract:</b></td> <td><b>10 years</b></td> </tr> </table>				<b>Preserve Designation:</b>	<b>Cayucos Agricultural Preserve No. 22, Amendment No. 1</b>	<b>Minimum Parcel Size:</b>	<b>320 Acres</b>	<b>Minimum Term of Contract:</b>	<b>10 years</b>
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<b>ENVIRONMENTAL DETERMINATION</b> A Categorical Exemption (Class 17) was issued for the project on May 7, 2015 (ED 14-240).									
<b>LANDUSE CATEGORY</b> Agriculture	<b>COMBINING DESIGNATION</b> Geologically Sensitive Area	<b>ASSESSOR PARCEL NO:</b> 046-201-009 and 073-092-048 (portion)	<b>SUPERVISOR DISTRICT(S)</b> 2						
<b>PLANNING AREA STANDARDS:</b> None Applicable		<b>LAND USE ORDINANCE STANDARDS:</b> Section 22.22.040C(2) – Minimum parcel size for new agricultural preserves							
<b>EXISTING USES:</b> Residence, barns									
<b>SURROUNDING LAND USE CATEGORIES AND USES:</b> <table> <tr> <td><i>North:</i> Agriculture/ Grazing, orchard</td> <td><i>East:</i> Agriculture/ Grazing, residence, barns</td> </tr> <tr> <td><i>South:</i> Agriculture/ Row crops, grazing</td> <td><i>West:</i> Agriculture/ Grazing, residence, barns</td> </tr> </table>				<i>North:</i> Agriculture/ Grazing, orchard	<i>East:</i> Agriculture/ Grazing, residence, barns	<i>South:</i> Agriculture/ Row crops, grazing	<i>West:</i> Agriculture/ Grazing, residence, barns		
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<b>OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:</b> None, no referrals necessary									
<b>TOPOGRAPHY:</b> Moderately to steeply sloping		<b>VEGETATION:</b> Grasses, scattered oak trees							
<b>PROPOSED SERVICES:</b> None required		<b>ACCEPTANCE DATE:</b> May 5, 2015							
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER - SAN LUIS OBISPO, CALIFORNIA 93408 (805) 781-5600 FAX: (805) 781-1242									

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## PROJECT REVIEW

### **Background**

The landowners want to transfer the ownership of their ranch, currently under a land conservation contract entered into in 1978, to a new generation so that the property can remain in the family and the agricultural activities can continue into the future. In order to do this, it is necessary to obtain approval of a lot line adjustment to reconfigure two of the three existing legal parcels within the current agricultural preserve and contract into parcel configurations and sizes that can re-qualify for new land conservation contracts under current rules. Each of the three applications is somewhat different because each of the resulting parcels includes different agricultural capabilities and uses. This application involves a request to requalify the property as a grazing land agricultural preserve in a different configuration than what presently exists.

The subject property is located within the Cayucos Agricultural Preserve No. 22 established on 2/21/78 by Resolution No. 78-133 and is under a land conservation contract entered into on 2/21/78 by Resolution No. 78-146 and recorded on 2/28/78 as Document No. 9246, Book 2051, Page 1 through Page 20 inclusive.

The Government Code (Williamson Act) requires new contracts to be entered into when contracted land is adjusted through a lot line adjustment. In this case, the entire property is being requalified to allow for three new contracts corresponding with the new parcel configurations.

### **Site and Area Characteristics**

Most of the surrounding properties along Torro Creek are used for grazing with a lesser amount of acreage used for irrigated row crops and orchards.

Although most of the land in this proposed parcel is currently being used for grazing land and will continue to be, the parcel is being reduced in size from approximately 418 acres to 320 acres in order to allow an adjacent parcel to be expanded and combined with land from this parcel. The adjacent parcel and land area are being evaluated as a separate “mixed-use” Agricultural Preserve and contract.

The following table shows the Natural Resources Conservation Service soils ratings of the subject property (resulting parcel two of the lot line adjustment):

Land Capability Class		Irrigated Crop Suitability	Rangeland Suitability	Dry Farm Suitability	Acres
If Irrigated	Non-Irrigated				
		N/A			
NA	3 & 6		Well Suited	NA	239
NA	6		Moderately Suited	NA	81
				Total	320

Exhibit A shows the location, topography, and land use designations of the site and adjacent properties.

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### **Compliance with the Rules of Procedure**

#### **Agricultural Preserves**

The Rules of Procedure provide that a property must first be under an Agricultural Preserve in order to qualify for a Land Conservation Contract as an individual property. The property is currently under an Agricultural Preserve but is requesting a separate range land preserve for the reconfigured parcel. The proposed parcel will meet the current eligibility requirements for a Range Land Agricultural Preserve with 320 acres of gross acreage and over 100 acres (320 acres) of Class 3 and 6 soil listed as “moderately to well suited” as range land.

#### **Land Conservation Contracts**

The property is also eligible for a Land Conservation Contract because it exceeds the minimum 320 acres required for range land contracts on 6 and 7 (or better) soils and has well over 100 acres (320 acres) of Class 3 and 6 soil listed as “moderately to well suited” as range land by the Natural Resources Conservation Service.

#### **Minimum Term and Parcel Size for Conveyance**

The appropriate minimum parcel size for the Land Conservation Contract is 320 acres based on the range land use. The appropriate minimum term of contract is 10 years because it is customary to recognize the term running on the current land conservation contract when entering into a new contract resulting from a lot line adjustment.

#### **Lot Line Adjustment Consistency - Williamson Act, Government Code Section 51257**

The lot line adjustment is consistent with the Williamson Act, Government Code Section 51257. (a) & (b) because the lot line adjustment involves existing parcels internal to an existing contract. The resulting parcels will consist of at least 90 percent (100 percent) of the land under the current contract resulting in no net loss of land under contract, and the land area exchanged is of like soil type. (This section of the Government code is focused on the equal exchange of contracted and non-contracted land, however it is still necessary to do this analysis and make the required findings.) The resulting parcel configuration represents a “status quo” in terms of agricultural productivity.

#### **Agricultural Preserve Review Committee**

The following is an excerpt from the Minutes of the Regular Meeting of the Agricultural Preserve Review Committee held on May 18, 2015 at the SLO County Board of Supervisors Chambers, County Government Center, 1055 Monterey Street, Room D170, in San Luis Obispo, California, at 1:30 p.m.

Terry Wahler, staff: presents staff report.

Dennis Schmidt, agent: supports recommendations and is available for questions.

Lynda Auchinachie: opens Public Comment with no one coming forward. Asks members for any question they may have with no questions being asked.

Thereafter, on motion of Don Warden, and on the following roll call vote:

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AYES: Don Warden, Dick Nock, Irv McMillan, Paul Hoover, Lynda Auchinachie, Paul Clark, Beverly Gingg, Royce Larsen

NOES: None

ABSENT: Jennifer Anderson, Robert Sparling, Lynn Moody, Jeff Stranlund, Bill Robeson

Following the discussion, the Agricultural Preserve Review Committee (APRC) recommends the Board of Supervisors approve this request to amend the boundaries of an Agricultural Preserve, rescind an existing Land Conservation Contract, and enter into a new Land Conservation Contract. Preserve Designation: Cayucos Agricultural Preserve No. 22, Amendment 1. Minimum parcel size: 320 acres. Minimum term of contract: 10 years.

## RECOMMENDATIONS

The Agricultural Preserve Review Committee and Planning Commission recommend approval of this request to amend an agricultural preserve to the Board of Supervisors as follows:

**Preserve Designation: Cayucos Agricultural Preserve No. 22, Amendment No. 1**  
**Minimum Parcel Size: 320 Acres**  
**Minimum Term of Contract: 10 years**

## FINDINGS

- A.** The proposed amendment of this agricultural preserve is consistent with the San Luis Obispo County General Plan, including the Land Use Element, the Agriculture Element, the Conservation and Open Space Element, and the County's Rules of Procedure to Implement the California Land Conservation Act of 1965 since the preserve is being adjusted to reflect new property boundaries and the agricultural land uses and agricultural productivity will be unchanged.
- B.** The proposed amendment of this agricultural preserve is appropriate and consistent with the rural character of the surrounding area.
- C.** The new contract will enforceably restrict the adjusted boundaries of the newly configured parcel for a minimum of ten years.
- D.** There is no net decrease in the amount of acreage restricted by land conservation contract.
- E.** The new contract for the resulting parcel will consist of at least 90 percent of the land under the former contract.
- F.** The parcel of land after the adjustment will be large enough to sustain the current agricultural use.

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- G.** The lot line adjustment will not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to contract.
- H.** The lot line adjustment will not be likely to result in the removal of adjacent land from agricultural use.
- I.** The lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan.

Report prepared by Terry Wahler, Senior Planner  
Land Conservation Program